IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.17485 of 2000

Between:

Y. Narsimhulu, e. 45744.
S/o Y. Narsimhulu, age 51 ,years R/o. Jammalamadagu,
Cuddapah District.

..... PETITIONER

AND

1 The Chiraman, Inudstrial Tribunal Cum Labour Court,
Anatapur, Cuddapah District.
2 The Depot Manager, A.P.S.R.T.C.,
Yemmiganur Depot, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Certiorari calling for the records in I D NO. 168\ dt 7-2-90 on the file of the Industrial Tribunal Cum Labour Court , Anatapur and quash the same as illegal, arbitrary and disproportionate to the gravity of the misconduct committed by the petitioner, consequently direct the respondent No. 2 to reinstate the petitioner with continuity of service and all attendent benefits and back wages and pass such other order or orders as this Hon'ble Court deem fit and proper.

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17485 of 2000

ORAL ORDER:

This Writ Petition is filed by the workman challenging the Award dated 7-2-1990 made in I.D.No.168 of 1987 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur.

The impugned Award was passed in the year 1990 and this Writ Petition is filed ten years thereafter. There is no plausible explanation forthcoming for the inordinate delay of about a decade caused in approaching this Court and filing the Writ Petition. Apart from this, the Industrial Court after elaborate discussion of the evidence placed before it, held that all the charges are proved, they are grave in nature and the petitioner does not deserve any relief; therefore, dismissed the I.D.

This is a case where the petitioner failed to issue tickets to even a single passenger and also failed to close the ticket tray numbers of all denominations in the S.R. in the shuttle trip performed from Kurnool to Kodumur and back, Ex-stages 19 to 11. In other words, the petitioner did not issue even a single ticket though the bus travelled 10 stages up and 10 stages down. This happened at 10.00 hours during day time. It is unbelievable that even a single passenger boarded the bus all along the route, up and down. This is a very serious conduct. When the charge sheet was issued, the

petitioner did not submit any explanation, however, he participated in the enquiry. Even after filing the claim petition under Section 2-A(2) of the Industrial Disputes Act,1947 before the Labour Court, the petitioner did not adduce any evidence, either oral or documentary and also did not question the validity of domestic enquiry. Admittedly, the charges are grave in nature and they were proved in full. Therefore, the Labour Court rightly held that the petitioner is not entitled for any relief. I am of the considered opinion that the Labour Court has not committed any error warranting interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

20-8-2005

prk